



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,539	12/29/1999	BALWINDER S. SAMRA	17207-00003	2363

7590 05/22/2003

JOHN S BEULICK  
ARMSTRONG TEASDALE LLP  
ONE METROPOLITAN SQUARE SUITE 2600  
ST LOUIS, MO 631022740

[REDACTED] EXAMINER

BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Sik

<b>Office Action Summary</b>	<b>Application N .</b>	<b>Applicant(s)</b>	
	09/474,539	SAMRA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 February 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9,11 and 13-26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-9,11 and 13-26 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 16, 2002 has been entered.
2. Claim 12 has been cancelled. Claims 1 and 11 have been amended. Claims 21-26 have been added. Claims 1-9, 11, 13-26 are pending.

### ***Claim Objections***

3. Claims 6, 17, 21 and 24 objected to because of the following informalities:  
Claims 6 and 21 contain similar limitations, namely the generation of a gains chart based upon the user defined dimensions and the campaign results. Applicant should amend or cancel one of the claims. The same applies to claims 17 and 24. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-9, 11, 13-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (US 2002/0072951), in view of Thearling (USPN 6,240,411).

As per claim 1, Lee et al disclose a method of analyzing the success of a marketing campaign by using a targeting engine, campaign results and an original campaign database (market analysis system using OLAP, see ¶ 0027), comprising embedding within the targeting engine a plurality of analytical models (i.e., analysis models, see ¶ 0029) including marketing (i.e., customer/product analysis, see ¶ 0031 and 0032) and risk models (i.e., measurement of customer profitability and value, see ¶ 0039); using the plurality of analytical models embedded within the targeting engine to derive a list of user defined dimensions (i.e., pre-built marketing analyses generated via client input, see ¶ 0029) for generating the marketing campaign, the user defined dimensions include marketing defined dimensions (customer/product analysis) and risk defined dimensions (customer profitability and value), profiling results of the marketing campaign against the marketing defined dimensions and the risk defined dimensions (campaign analysis, see ¶ 0033). Lee et al does not disclose assigning a score to the results of the marketing campaign

based on the marketing defined dimensions and risk defined dimensions. Thearling discloses models being scored during campaign management (see column 8, lines 48-53). Both Lee et al and Thearling are concerned with effective campaign management and analysis, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include assigning a score to the campaign analysis in Lee et al, as seen in Thearling, thus allowing analysts to determine the success of the marketing campaign via comparison to other campaign scores and/or a scoring baseline, thereby increasing the analytical robustness of the method.

As per claim 2, Lee et al disclose comparing accounts targeted by the marketing campaign against those accounts not targeted (segmented targets, see ¶ 0078).

As per claim 3, Lee et al disclose selecting the differences between targeted and non-targeted accounts (targets based on pre-configured queries, see ¶ 0078).

As per claim 4, Lee et al disclose ensuring that the marketing campaign is reaching a targeted population base (tailor campaigns to better target the most valuable customer, see ¶ 0039).

As per claim 5, Lee et al disclose capturing graphically, clusters of data built using statistical procedures (chart, see ¶ 0053).

As per claim 6, Lee et al disclose using the user defined dimensions and the campaign results to construct a gains chart (see ¶ 0053). According to Applicant's specification, gain charts simply track the performance of the models used over

marketing campaigns. The chart in Lee et al provides a visual representation of the data (i.e., analyses of the campaigns).

As per claim 7, Lee et al do not explicitly disclose rank ordering user defined segments. Thearling discloses selecting the order of models for selection (see column 13, lines 35-41). Both Lee et al and Thearling are concerned with effective campaign management and analysis, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include rank ordering the segments in the Lee et al, as seen in Thearling, thus allowing the user to chose segments more likely to produce the desired campaign response, thereby increasing the accuracy of the Lee et al method.

As per claims 8 and 9, Lee et al do not explicitly disclose showing where the model works best, and where the model performance needs to be addressed. Thearling discloses allowing a user to specify a model to use in campaign analysis (i.e., where the model works best, see column 10, lines 20-25) and evaluation of model compute time (i.e., model performance, see column 11, lines 26-32). Both Lee et al and Thearling are concerned with effective campaign management and analysis, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include model performance analysis in Lee et al, as seen in Thearling, thereby effectively determining the robustness of a particular analysis.

As per claim 21, Lee et al disclose comparing the results of the marketing campaign against the marketing defined dimensions and the risk defined

dimensions, and using the targeting engine to generate gains charts based on the comparison (see ¶ 0053). According to Applicant's specification, gain charts simply track the performance of the models used over marketing campaigns. The chart in Lee et al provides a visual representation of the data (i.e., analyses of the campaigns).

Claims 11, 13-20, and 24 are rejected based upon the rejections of claims 1-9, and 21 respectively, since they are the system claims corresponding to the method claims.

6. Claims 22, 23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (US 2002/0072951), in view of Thearling (USPN 6,240,411), as applied to claims 1 and 11 above, in further view of Lazarus et al (USPN 6,430,539).

As per claims 22 and 23, Lee et al does not disclose the marketing models including at least one of a net present value/profitability model, a prospect pool model, a net conversion model, an attrition model, a response model, a revolver model, a balance transfer model, and a reactivation model; and the risk models including at least one of a payment behavior prediction model, a delinquency model, a bad debt model, a fraud detection model, a bankruptcy model, and a hit and run model. Lazarus et al discloses predicting consumer financial behavior, including an account statistics table for ranking prospects (see column 35, lines 49-55) and a credit risk score (see table 2). Both Lee et al and Lazarus et al are concerned with

the effective consumer analysis and segmentation, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include specific marketing and risk models in Lee et al, as seen in Lazurus et al, thus effectively determining the specific consumer attributes of interest.

Claims 25 and 26 are rejected based upon the rejections of claims 22 and 23 respectively, since they are the system claims corresponding to the method claims.

### ***Response to Arguments***

7. In Remarks, Applicant argues that the score disclosed in Thearling is not assigned to the results of a marketing campaign based on marketing and risk defined dimensions. The Examiner submits that Thearling discloses models being scored during campaign management (see column 8, lines 48-53), which includes marketing campaigns based on marketing and risk defined dimensions, as disclosed by Lee et al, as seen in the above rejection. This combination indeed discloses assignment of a score to a marketing campaign based on marketing and risk defined dimensions.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Sheppard (USPN 6026397) discloses analyzing a data file containing a plurality of data records.

Art Unit: 3623

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (703) 305-1867. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and After Final communications, and (703) 746-7305 for informal/draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

adb  
May 18, 2003



TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600